

1 HONORABLE JAMES L. ROBART
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 *In Re: Zillow Group, Inc. Session Replay Software*
10 *Litigation*

11 This Document Refers to: All Actions

Master File No. 2:22-cv-01282-RAJ

**PLAINTIFFS' TIME AND EXPENSE
RECORDKEEPING PROTOCOL**

12 Pursuant to this Court's Order, dated February 22, 2023, Plaintiffs' Interim Co-Lead
13 Counsel ("Co-Lead Counsel") submit the following Time and Expense Record Keeping Protocol
14 to be followed by all attorneys' assigned work on behalf of plaintiffs in this matter:

16 Each firm shall submit detailed monthly time and expenses to Co-Lead Counsel. All time
17 should be reported at the billing rates in effect at the reporting firm during the month(s) for which
18 it is reporting. Reports for the preceding month will be due on the 10th day of each month (or next
19 business day thereafter if the 10th day falls on a weekend or holiday) and shall be sent via email
20 to [Dan@lcllp.com] copying Co-Lead Counsel. These reports shall be combined and submitted to
21 the Court *in camera* on a quarterly basis.

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24 The first report shall be made on May 10, 2023, and shall reflect each reporting firm's
25 detailed time and expenses from inception of the case through April 30, 2023. Co-Lead Counsel
26 will disseminate an Excel spreadsheet template and Category Codes to use for this initial report
27 and going forward. The template will include a time tab and an expense tab. Each firm shall include
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1 in the first report the identity of the appropriate contact person for time and expense reporting
2 purposes.

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4 All timekeeping and expense submissions shall comply with the following rules:

5 1) All billed time must be authorized in advance by Co-Lead Counsel. To this end, each
6 time entry shall indicate from whom the work assignment was received. Interim Co-
7 Lead Counsel will not assign work to firms that are not current in their monthly time and
8 expense reports. All work performed in this case after the filing of this protocol without
9 specific authorization of Interim Co-Lead Counsel will not be compensable. This
10 includes reading and reviewing correspondence and pleadings, appearances at hearings
11 or depositions and travel time and expenses related to such appearances, which have not
12 been authorized by Interim Co-Lead Counsel. Interim Co-Lead Counsel may choose not,
13 in whole or in part, to submit to the Court time and expenses incurred prior to
14 appointment of Interim Co-Lead Counsel, depending on whether such time contributed
15 to the advancement of the litigation as a whole.

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17 2) All billed time must be in 1/10th hour increments. Time entries must include an
18 indication of who assigned the work, in the appropriate column on the spreadsheet.

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20 3) Time records may not be “block-billed,” but instead must separately record specific tasks
21 and the appropriate Category Codes, even if performed on the same day, and be detailed
22 enough so that any reader would understand the work that was performed. If the task
23 involved a meeting, lengthy substantive email conversation, or conference call, the time
24 entry should describe who else was involved (at a minimum, by identifying the pertinent
25 committee) and the specific topics of the conversation.

- 4) Time spent “reading and reviewing” emails and pleadings, “conferring,” or “research” will be disallowed unless tied to a specific, assigned task and described with particularity.
- 5) Tasks should be assigned to billers with appropriate experience and rates for the type of work performed. For example, senior partners should not be billing time at their full rates for formatting documents, printing, mailing, document review, or performing administrative-level tasks. These types of tasks should be delegated when possible to administrative assistants, paralegals and junior associates, as appropriate.
- 6) No firm should employ “contract” or hourly attorneys for work on this case without prior written approval from Co-Lead Counsel. Before any such attorneys are approved for work, the employing firm must disclose the rate such attorneys will actually be paid and the rate the employing firm intends to list on its time reports. Co-Lead Counsel has discretion to cap or normalize the submitted rates for all such work, and unreasonable margins will not be permitted.
- 7) All reported expenses must be specifically described and dated, and each firm must maintain all receipts and provide them to Co-Lead Counsel upon request. All expenses must be reasonable and justifiable to the Court and class members. For instance, barring exceptional circumstances or a very specific case-related rationale, Co-Lead Counsel will not permit reimbursement requests for Common Expenses that were not approved in advance by Co-Lead Counsel (see below); first-class air travel; luxury ground transportation; expensive hotel rooms or suites; meals in excess of \$50/person; alcohol purchases; or entertainment.

1 8) Co-Lead Counsel may, in its discretion, completely disallow any time or expense billed
 2 in violation of these rules, reduce the hourly rates or amount reimbursed, or reduce the
 3 number of hours permitted.

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5 9) To the extent practical and time allowing, Co-Lead Counsel will audit billings from all
 6 counsel on a quarterly basis and disallow billings which Co-Lead Counsel do not believe
 7 are appropriate before submitting a fee application or an *in camera* report to the Court.
 8 Co-Lead Counsel will examine—and re-examine—all time in a comprehensive way
 9 before any fee application is submitted to determine, based upon a complete picture of
 10 how the case was prosecuted, how each firm's time should be treated.

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12 10) If a fee is awarded, the allocation of the fee between the participating firms will be made
 13 by Co-Lead Counsel. In allocating any fee, Co-Lead Counsel will be guided by the
 14 concept that each firm will be rewarded for the value it has contributed to the results
 15 obtained for the clients. Each firm's lodestar will be a substantial factor in determining
 16 value, but it will not be the only factor and will not necessarily be the most important
 17 factor. Among other things, how efficiently a firm has handled its responsibilities will
 18 be given significant weight.

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Litigation Fund/ Expenses

21 Co-Lead Counsel will establish an account from which common expenses will be paid.

22 Common expenses include such matters as filing and service costs; deposition and court reporter
 23 fees; the cost of creating and operating a document depository; administrative expenses, such as
 24 the expenses associated with meetings and conference calls; expert and consultant fees and
 25 expenses; fees for e-discovery, copying, and coding (done outside a firm); witness expenses; fees
 26 for independent investigators; bank charges; and such other common expenses approved by Co-

1 Lead Counsel. No one other than Co-Lead Counsel shall incur common expenses. Bills for
2 common expenses should be sent for payment to Co-Lead Counsel. Any common expense in
3 excess of \$2,500 will require advance approval from Co-Lead Counsel before the expense is
4 incurred and/paid.

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6 All firms shall report on a monthly basis all non-common expenses for which they may
7 seek reimbursement. Non-common expenses shall be reported at cost without any markups. The
8 following expenses are not reimbursable and should not be reported: fax charges; postage; long
9 distance telephone charges; in-house photocopying; computerized legal research; and secretarial
10 or clerical overtime. Any exceptions to this policy must be approved in writing by Co-Lead
11 Counsel.
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13 Dated: March 1, 2023

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